

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE - W/S Elk Road,
510' W of Helena Road
(1800 Elk Road)
15th Election District
5th Councilmanic District

David L. Lieberman, III, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-324-SPHA
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 1800 Elk Road, located in the Middleborough community of Essex. The Petitions were filed by the owners of the property, David L. Lieberman, III, and his wife, Marsha C. Lieberman, seeking a most unusual relief. Pursuant to the Petition for Special Hearing, the Petitioners seek approval that a retired Coast Guard beacon is not an accessory structure, or in the alternative, to approve that same, as an accessory structure, can be erected on an unimproved lot, subject to the Petition for Variance request. Pursuant to the Petition for Variance, the Petitioners seek relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 23 feet in lieu of the maximum permitted 15 feet for said retired Coast Guard Beacon. The subject property and relief sought are more particularly described on the site plan submitted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were the owners of the property, David L. Lieberman, III, and his wife, Marsha C. Lieberman. Also appearing in support of the Petition were neighboring property owners, namely Dustin Schwinn, Jr., and Doreene L. Schwinn, who

ORDER RECEIVED FOR FILING

Date

By

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reside at 1805 Elk Road. There were no Protestants or other interested parties present at the hearing.

Testimony and evidence offered revealed that the subject property is a waterfront parcel of land consisting of two lots, identified as Lots 111 and 112 of Middleborough Land Corporation. The two lots combined are comprised of 19,320 sq.ft., zoned D.R. 5.5., and are located within the Chesapeake Bay Critical Areas with frontage on Hopkins Creek. The lots were acquired as one parcel by the Petitioners and have been used by the Liebermans as a single residential lot. As the site plan shows, Lot 111 is approximately 190 feet deep and 60 feet wide. That lot contains the Petitioners' dwelling, a garage and a driveway. Lot 112 is the same width, but is slightly longer in depth, and is unimproved.

Further testimony revealed that Mr. Lieberman is a career member of the Merchant Marine. Just as some collect stamps, coins, or trading cards, Mr. Lieberman is a collector of nautical/navigational items of historic significance. During the course of his duties as a Merchant Marine, he apparently came upon what he deemed to be a historical Coast Guard beacon which was then located on the Connecticut River. The beacon apparently has been dutifully performing its necessary navigational services since World War I. When he inquired with the Coast Guard as to the beacon's future, he was advised that it was to be replaced with a more modern beacon. Thus, Mr. Lieberman acquired the beacon and has transported it to Baltimore. Pursuant to the special hearing relief sought, Mr. Lieberman proposes to erect same on his property. Needless to say, it will be one large conversation piece.

Seeking Zoning approval of the erection of this beacon on Lot 112, the Petitioners approached this Zoning Commissioner under alternate

theories. One requests that the beacon be considered as an accessory structure, and should be permitted on that basis. For reasons as follows, I shall grant relief under that theory.

Section 101 of the B.C.Z.R. defines an accessory use or structure as "A use or structure which, a) is customarily incidental and subordinate and serves a principal structure; b) is subordinate in area, extent, or purpose to the principal use or structure; c) is located on the same lot as the principal use or structure served; and d) contributes to the comfort, convenience or necessity of occupant's business or industry in the principal use or structure served..."

Most often, accessory structures are sheds, garages, pools, and other similar structures or uses which serve the occupant's or user's of the lot. Clearly, in this case, the subject parcel is residential in character. Although the beacon is neither a garage, shed, swimming pool, or other such similar use, arguably it does contribute to the comfort, convenience or necessity of the occupants. As noted above, this is a waterfront property and as such, any improvement to the property is subject to compliance with Critical Areas legislation. Furthermore, the characteristics of such property are to be distinguished from properties not located on the water. Although the beacon might be somewhat out of place in Towson or Catonsville, the structure does not seem inappropriate in this locale. Thus, at this particular location, and for the use intended (not for active navigational purposes, but as a collectible item) I find that the beacon does in fact, contribute to the comfort, convenience or necessity of the occupants of the property. Moreover, it is clearly subordinate in area, extent or purpose from the residential development on the site. Lastly, as noted in their comments dated January 27, 1995, the

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Date

By

ance. As the site plan shows, the beacon will be located in the rear yard of the combined lots. For the purpose of establishing the front or rear yards of waterfront property, this Zoning Commissioner has long held in other cases that the water side of a property is the front yard. The variance sought in this instance is from Section 400.3 of the B.C.Z.R. to allow an accessory structure height of 23 feet in lieu of the maximum permitted 15 feet. In this regard, the Petitioners submitted a number of photographs and offered testimony as to the proposed location for the beacon. As shown in the photographs, the beacon will be situated in the vicinity of several tall pine trees. The location for the beacon's installation and the landscaping and existing vegetation around same will buffer this structure. It is clear that same will not be detrimental to the surrounding locale. Moreover, the Petitioners testified that the beacon will not be a working structure in that same will not be regularly lighted. Again, it is to be emphasized that the beacon is being erected for the purpose of preserving same as a historic structure and not to aid navigation. To require the beacon to be reduced in height to meet the maximum height restrictions, would be impractical and illogical. It would require the dismantling of the beacon which would adversely effect its historic value. Clearly, the height variance in this instance should be granted.

Furthermore, in the opinion of this Zoning Commissioner, the relief requested meets the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements set forth in Section 500.14 of the B.C.Z.R. As noted earlier in this opinion, the Director of the Department of Environmental Protection and Resource Management has recommended approval of this request, pursuant to their comments

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Date

By

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dated January 27, 1995 and supplemental comments of April 5, 1995. There is no evidence in the record that the relief requested would adversely affect the health, safety, or general welfare of the public.

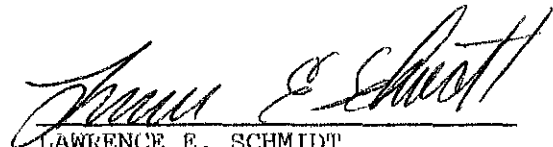
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the alternative relief in the Petition for Special Hearing and the relief requested in the Petition for Variance shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of June, 1995 that the alternative relief sought within the Petition for Special Hearing to approve that a retired Coast Guard beacon is an accessory structure, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 23 feet in lieu of the required 15 feet for a retired Coast Guard beacon, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking approval that a retired Coast Guard beacon is not an accessory structure be and is hereby DENIED.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 6/16/95

By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

June 6, 1995

(410) 887-4386

Mr. & Mrs. David L. Lieberman, III
1800 Elk Road
Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
W/S Elk Road, 510' W of Helena Road
(1800 Elk Road)
15th Election District - 5th Councilmanic District
David L. Lieberman, III, et ux - Petitioners
Case No. 95-324-SPHA

Dear Mr. & Mrs. Lieberman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The alternative relief sought within the Petition for Special Hearing and the Petition for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM: People's Counsel

File



ZONING ORIGINAL
CRITICAL AREA 319



Petition for Special Hearing

95-324-SHA

to the Zoning Commissioner of Baltimore County

for the property located at 1800 EIK RD
which is presently zoned DR 55

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve A RETIRED COAST GUARD BEACON ON A LOT AS NOT BEING AN ACCESSORY STRUCTURE ~~SET~~ OR IN THE ALTERNATIVE TO ALLOW AN ACCESSORY STRUCTURE ON AN UNIMPROVED LOT WITH THE ACCOMPANYING ZONING VARIANCE.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s)
David L. Lieberman III
(Type or Print Name)
David L. Lieberman
Signature
Marsha C. Lieberman
(Type or Print Name)
x Marsha Lieberman
Signature

Attorney for Petitioner

(Type or Print Name)

Signature

Address Phone No

State Zipcode

1800 EIK RD 780-0159
Address Phone No
Baltimore MD 21221
City State Zipcode
Name, Address and phone number of representative to be contacted

Name

Address Phone No

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing

the following date _____ Next Two Months
ALL ☒ OTHER
REVIEWED BY: Job DATE 3/16/95

ORDER RECEIVED FOR FILING
Date 6/6/95
By [Signature]





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1800 EIK RJ
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.3. TO PERMIT
AN ACCESSORY STRUCTURE WITH (A RETIRED COAST GUARD BEACON) WITH A
HEIGHT OF 23 FT. IN LIEU OF THE MAXIMUM PERMITTED HEIGHT OF 15 FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Construction of, and dimensions of this historical Coast Guard Aid to Navigation
preclude a height of less than 15 feet.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address Phone No

City State Zipcode

Legal Owner(s)

(Type or Print Name)

Signature

(Type or Print Name)

Signature

1800 EIK RJ 780-0159
Address Phone No

Baltimore MD 21221
City State Zipcode

Name, Address and phone number of representative to be contacted

Name

Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL ☒ OTHER

REVIEWED BY: [Signature] DATE 3/16/95

ORDER RECEIVED FOR FILING

Date

By

Printed with Soybean Ink
on Recycled Paper

MICROFILM

Zoning Administration

Development Management

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 1800 ELK ROAD

*West side of Elk Road (30 feet wide) 510 feet
West of Helena Road.*

BEING KNOWN AND DESIGNATED AS LOTS 111 AND 112 AS SHOWN ON
A PLAT ENTITLED " PLAT OF PROPERTY OF MIDDLEBOROUGH LAND
CORPORATION OF BALTIMORE COUNTY" WHICH PLAT IS RECORDED
AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER 4,
FOLIO 191.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 95-374-SPH A
Townson, Maryland

District: 15th Date of Posting: 4/1/95
Posted for: Special Hearing & Variance
Petitioner: David & Martha Lieberman
Location of property: 1800 Elk Rd, W/S
Location of Signs: Facing road way, on property being zoned
Remarks: _____
Posted by: W. H. Hales Date of return: 4/7/95
Signature
Number of Signs: 1



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-324-SPHA
(Item 319)
1800 Elk Road
W/S Elk Road, 510' W of
Helena Road
15th Election District
5th Councilmanic
Legal Owner(s):
David L. Lieberman, III
and Marsha C. Lieberman
Hearing: Thursday,
April 20, 1995 at 10:00
a.m. in Rm. 118, Old
Courthouse.

Special Hearing to approve a retired Coast Guard beacon on a lot as not being an accessory structure; or in the alternative, to allow an accessory structure on an unimproved lot with the accompanying zoning

variance. **Variance** to permit an accessory structure (a retired Coast Guard beacon) with a height of 23 feet in lieu of the maximum permitted height of 15 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the file and/or Hearing, Please Call 887-3391.
3/30/95 - March 30.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

March 31, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 30, 1995.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

~~Delivered~~



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

CRITICAL

receipt
95-324-SPHA

Account: R-001-6150

Number

319

Bydell

Date

3/16/95

Residential Variance	Code 010	50.00
" " Special Hearing	" " 030	50.00
2 SIGNS		70.00
		<hr/>
		\$ 170.00

OWNER LIEBERMAN
1800 FLK ~~RD~~ RD.

PAID

03A03W0002MCHRC
BA 6002125PMD3-16-95

\$170.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 319

Petitioner: David L. Lieberman III/ Marsha C. Lieberman

Location: 1800 Elk Road Baltimore, MD 21221

PLEASE FORWARD ADVERTISING BILL TO:

NAME: D.L. Lieberman III

ADDRESS: 1800 Elk Road
Baltimore, MD 21221

PHONE NUMBER: (410) 780-0159

AJ:ggs

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(Revised 04/09/93)



TO: PUTUMENT PUBLISHING COMPANY
March 30, 1995 Issue - Jeffersonian

Please forward billing to:

D. L. Lieberman, III
1800 Elk Road
Baltimore, MD 21221
410-780-0159

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-324-SPHA (Item 319)
1800 Elkk Road
W/S Elk Road, 510' W of Helena Road
15th Election District - 5th Councilmanic
Legal Owner(s): David L. Lieberman, III and Marsha C. Lieberman

Special Hearing to approve a retired Coast Guard beacon on a lot as not being an accessory structure; or in the alternative, to allow an accessory structure on an unimproved lot with the accompanying zoning variance.

Variance to permit an accessory structure (a retired Coast Guard beacon) with a height of 23 feet in lieu of the maximum permitted height of 15 feet.

HEARING: THURSDAY, APRIL 20, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 23, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-324-SPHA (Item 319)
1800 Elkk Road
W/S Elk Road, 510' W of Helena Road
15th Election District - 5th Councilmanic
Legal Owner(s): David L. Lieberman, III and Marsha C. Lieberman

Special Hearing to approve a retired Coast Guard beacon on a lot as not being an accessory structure; or in the alternative, to allow an accessory structure on an unimproved lot with the accompanying zoning variance.

Variance to permit an accessory structure (a retired Coast Guard beacon) with a height of 23 feet in lieu of the maximum permitted height of 15 feet.

HEARING: THURSDAY, APRIL 20, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: David and Marsha Lieberman

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 13, 1995

Mr. and Mrs. David L. Lieberman III
1800 Elk Road
Baltimore, Maryland 21221

RE: Item No.: 319
Case No.: 95-324-SPHA
Petitioner: David Lieberman, et ux

Dear Mr. and Mrs. Lieberman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on March 16, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink that reads "Carl Richards, Jr." with a stylized flourish at the end.

Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)


MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director 
Office of Planning and Zoning

DATE: March 30, 1995

SUBJECT: 1800 Elk Road

INFORMATION:

Item Number: 319
Petitioner: Lieberman Property
Property Size: _____
Zoning: DR-5.5
Requested Action: Special Hearing
Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

The applicants request a Special Hearing to determine if a retired Coast Guard beacon should be allowed as an accessory structure on an unimproved lot.

Based upon review of the information provided and photographs contained in the file, staff believes the beacon would complement this waterfront property. However, conditions should be placed in the Order to ensure that the beacon's functioning equipment, if still working, be appropriately restricted.

Prepared by: Jeffrey W. Long

Division Chief: Darryl L. Kerns

PK/JL

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #319 - Lieberman Property
1800 Elk Road
Zoning Advisory Committee Meeting of March 27, 1995

The proposed structure and location shown on the site plan accompanying the zoning variance are in compliance with Chesapeake Bay Critical Area Regulations.

LIEBERM/DEPRM/TXTSBP

JOHN F. DECHAMBER

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: *pub* Arnold Jablon, Director DATE: April 3, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for April 3, 1995
Items 314, 315, 316, 317, 318, 319, and 320

The Developers Engineering Section has reviewed
the subject zoning item and we have no comments.

RWB:sw

Walt

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 03/22/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAR. 27, 1995

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 314, 315, 316, 317,
318, 319 AND 320. *5*

RECEIVED

MAR 24 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

3-24-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: \$ 319 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

#319

Baltimore County Government
Department of Environmental Protection
and Resource Management



*Applicants
Prior Contact with
Depr on this
Zoning issue resulted
in this response.*

401 Bosley Avenue
Towson, MD 21204

(410) 887-3733

January 27, 1995

Mr. David Lieberman III
1800 Elk Road
Baltimore, Maryland 21221

Re: 1800 Elk Road
Preliminary Assessment for beacon light

Dear Mr. Lieberman:

A preliminary assessment has been completed by Environmental Impact Review to determine the extent of environmental constraints on the above referenced property. The property is located in a Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA) and is therefore subject to the following developmental constraints and regulations.

Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.

Finding: The proposed location for the beacon light is greater than 100 feet from the bulkhead adjacent to Hopkins Creek.

Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Finding: Current impervious surfaces on this lot equal approximately 10.9%.

Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15%" <COMAR 14.15.02.04 C.(5)(e)>.

Finding: 15% forest cover is currently existing on this lot.

In summary, you met all requirements of CBCA regulations, thus this Department grants approval to erect the beacon light on your property.

Additional comments concerning setback and height restrictions can be solicited from Baltimore County Zoning Administration at 887-3391. If you have any questions regarding these findings, please call me at 887-3980.

Sincerely,

Keith Kelley, Natural Resource Specialist
Environmental Impact Review



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 22, 1994

95-324-SPHA

David L. Lieberman, III
Master
U.S. Merchant Marine
1800 Elk Road
Baltimore, MD 21221

RE: Zoning Verification
Retired Coast Guard Beacon

Dear Mr. Lieberman:

Enclosed for your reference please find a copy of Section 400 of the Baltimore County Zoning Regulations (BCZR).

It is this office's opinion that the object described in your letter (retired Coast Guard beacon), if placed permanently on your property, would fall into the category of a residential accessory structure. This decision was based on two assumptions: (1) it will be used for individual purposes on a residential lot and (2) it will not function as a navigation beacon.

As you can see from the aforementioned regulations, the structure would need to have several variances granted prior to the installation on your property. This includes, but is not limited to: (1) more than 15 feet in height and (2) in the front or side yard.

You should also contact the Department of Permits and Licenses and the Department of Environmental Protection and Resource Management (DEPRM) to determine proximity procedures and Chesapeake Bay Critical Area requirements.

I was unsure whether the lamp was to be lighted and made the assumption it would not be. If this was an inaccurate assumption, please contact me regarding issues that this might create.



RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
1800 Elk Road, W/S Elk Road, 510' W of	*	ZONING COMMISSIONER
Helena Road, 15th Election District,		
5th Councilmanic	*	OF BALTIMORE COUNTY
David L. and Marsha C. Lieberman III	*	CASE NO. 95-324-SPHA
Petitioners		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of April, 1995, a copy of the foregoing Entry of Appearance was mailed to David L. and Marsha C. Lieberman III, 1800 Elk Road, Baltimore, MD 21221, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

RECEIVED
APR 11 1995

ZADM

WILLIAM J. ZIMMERMAN

12/11/94
To: CAM
12/14/94
5972-94
WCR
5 December 1994
Dec 15

Director, ZADM
111 West Chesapeake Avenue
Towson, MD 21204

Dear Sir,

I respectfully request permission to erect a former U.S Coast Guard Aid to Navigation on my property located at 1800 Elk Road, in the Middleborough section of Baltimore County.

The beacon was recently retired from service after 50 years of guiding commercial traffic on the Connecticut River. The beacon structure is part of Coast Guard and maritime history that should be preserved. To that end, I intend to erect the beacon on my property.

The tower, when assembled, will stand 20 feet above ground. The lattice structure is six foot square at the base and tapers to a point at the top. The structure will be nestled amongst hemlock and fir trees on the west side of the property, just as it was along the shore of the Connecticut River. The site is a minimum of 15 feet from any property line, and should not adversely affect the quality of life of any nearby resident. A reproduced photograph of the beacon structure is enclosed for your study, as well as a diagram of the property. I request the option of shifting the site of the beacon in the direction of the river in the event I encounter unforeseen impediments. This distance is not expected to exceed 75 feet, parallel to the fenceline.

My address is shown below. Thanking you in advance for your consideration.

Sincerely,

David L. Lieberman III

David L. Lieberman III
Master
U.S. Merchant Marine

1800 Elk Road
Baltimore, MD 21221
1-410-780-0159 (H)
1-908-938-4979 (W)

RECEIVED
DEC 12 1994

ZADM

file

6/2/95

2/4/8-95
LEG

1 June 1995

Zoning, ZADM
111 West Chesapeake Avenue
Towson, MD 21204

Dear Sir,

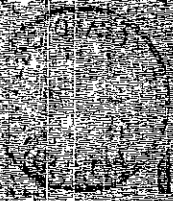
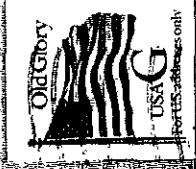
On April 20, 1995, I appeared before the Zoning Commissioner with Case # 319, a request to erect a retired U.S. Coast Guard Aid to Navigation on my property at 1800 Elk Road, Baltimore County. During the hearing, I was granted verbal permission to erect the structure. It was stated that I would receive a written ruling within 7-10 days, and a 30 day appeal process would follow. Barring an appeal from a neighbor, construction would occur on or about 1 June 1995. This time period has expired, and I remain without a written decree.

I respectfully request documentation granting permission to erect the USCG beacon. Several telephone calls to your office over the past 4 weeks have met with negative results. I am anxious to erect this structure. Your assistance with this matter is greatly appreciated.

Very Respectfully,
David L. Lieberman III
David L. Lieberman III

RECEIVED
JUN 2 1995
ZADM

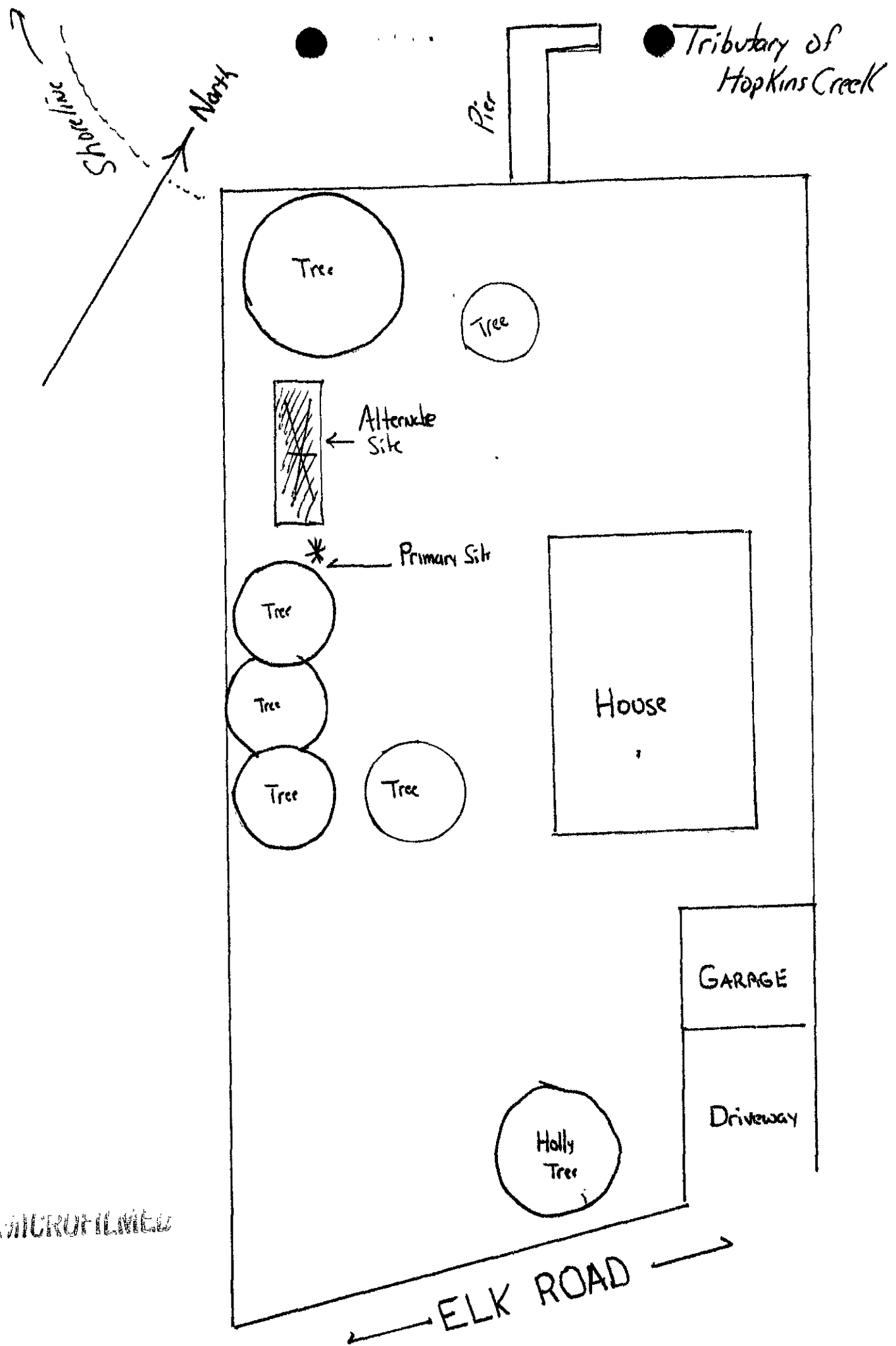
David L. Lieberman II
1800 EKRJ
Beth MD 21221



NEW YORK, NY 10001

Zoning ZADM
111 West Chesapeake Ave
Towson, MD 21204

111 West Chesapeake Ave



micrometers



95-324-SPHA





PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

David H. Lieberman III

DUSTIN SCHWINN JR

Marsha Lieberman

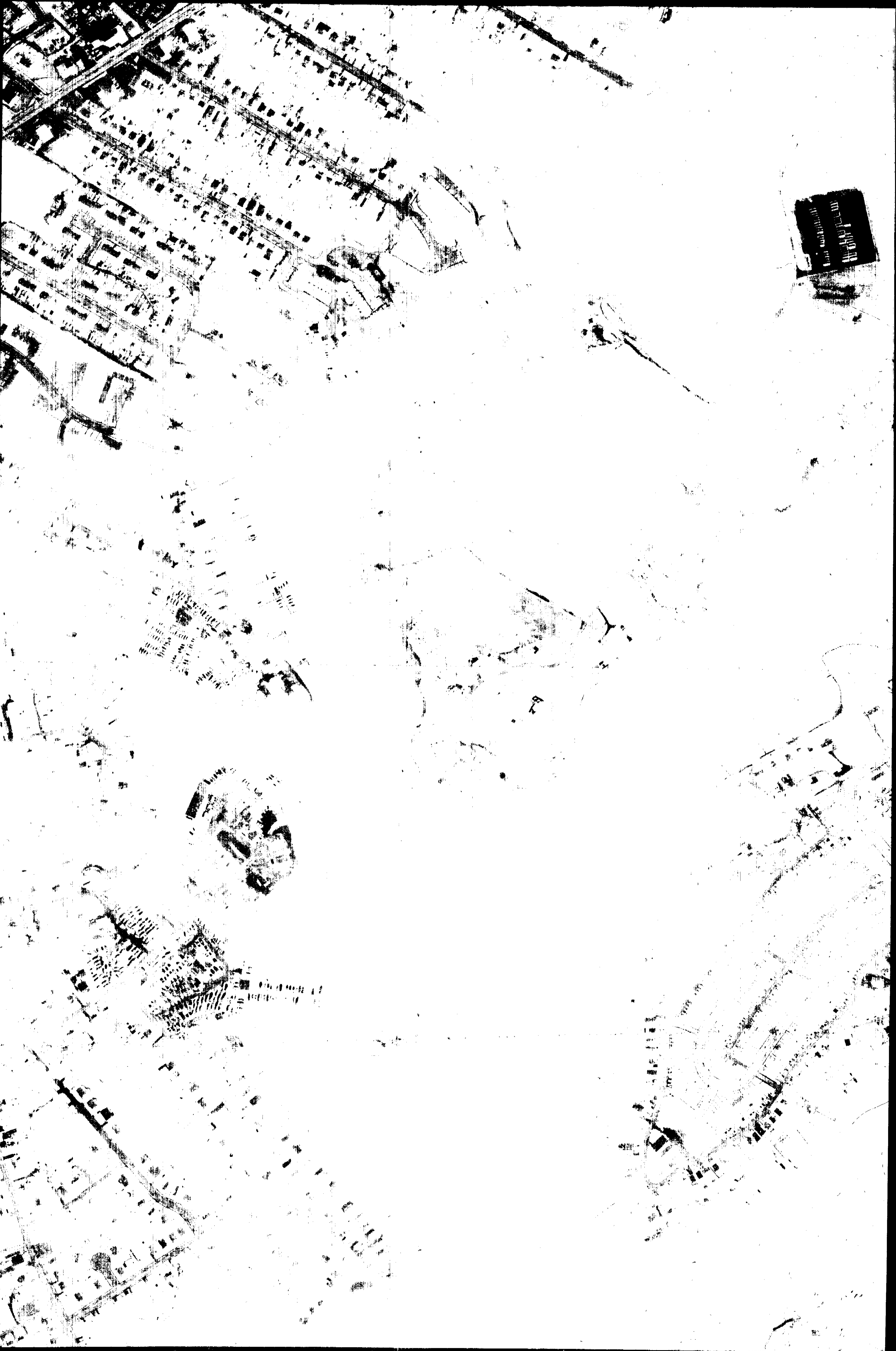
DOREEN L SCHWINN

1800 ELK RD Balt MD 21221

1805 ELK RD BALTO MD 21221

1800 ELK RD Balt MD 21221

1805 ELK RD Balt MD 21221



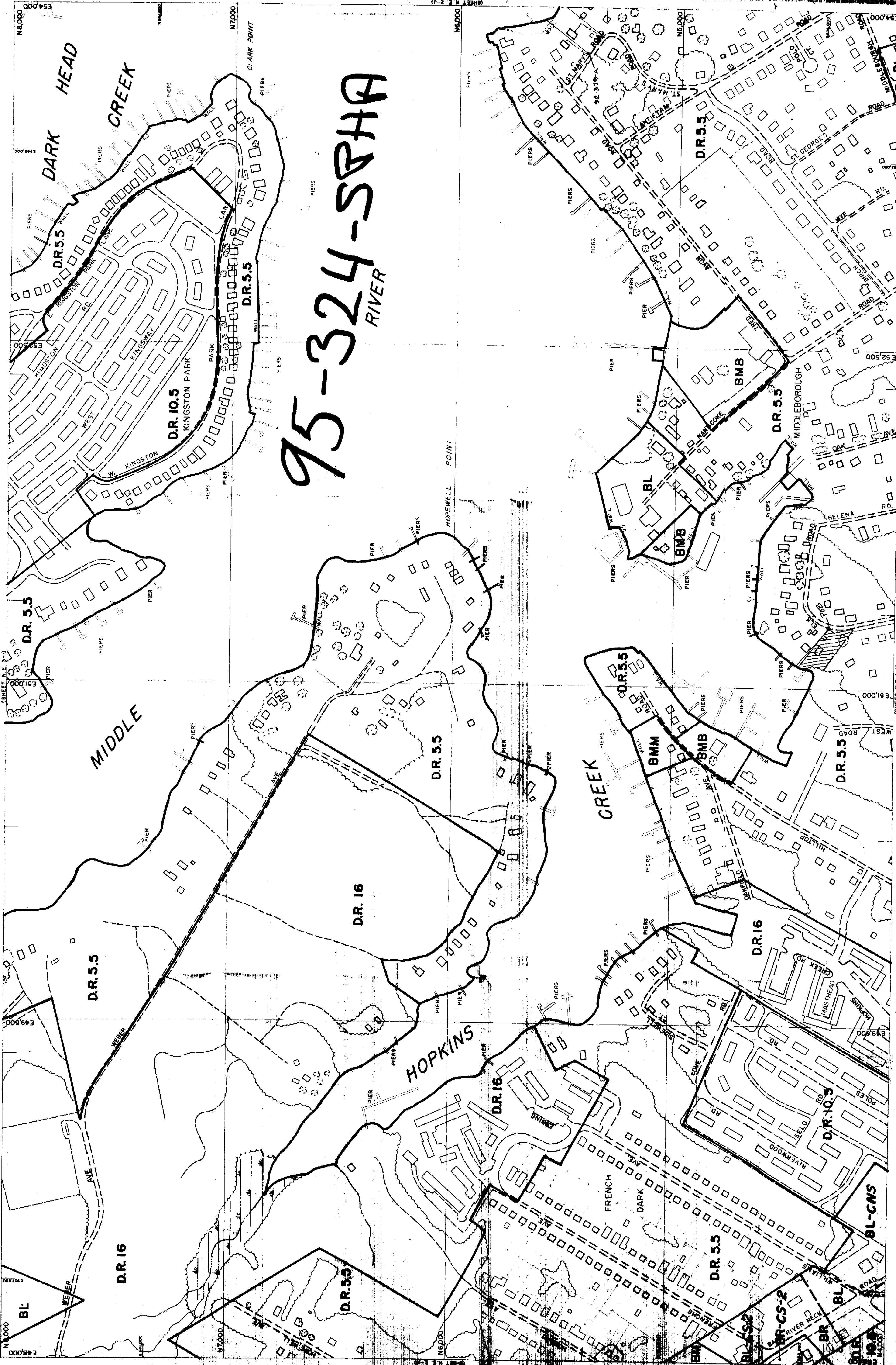
100-100-100
100-100-100
100-100-100

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

ROUTE 100
Continued on yellow

SCALE	LOCATION	SHEET
1" = 200' ±	MIDDLE RIVER	N. E. 2-1
DATE OF PHOTOGRAPHY JANUARY 1986		

95-324-SPHA



95-324-SRHA
RIVER

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

SCALE
1" = 200' ±

MIDDLE RIVER

N E
2-1

DATE
OF
PHOTOGRAPHY
JANUARY
1986

William A. Howard IV
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

319

MICROFILMED

Plat to accompany Petition for Zoning ☒ Variance ☒ Special Hearing

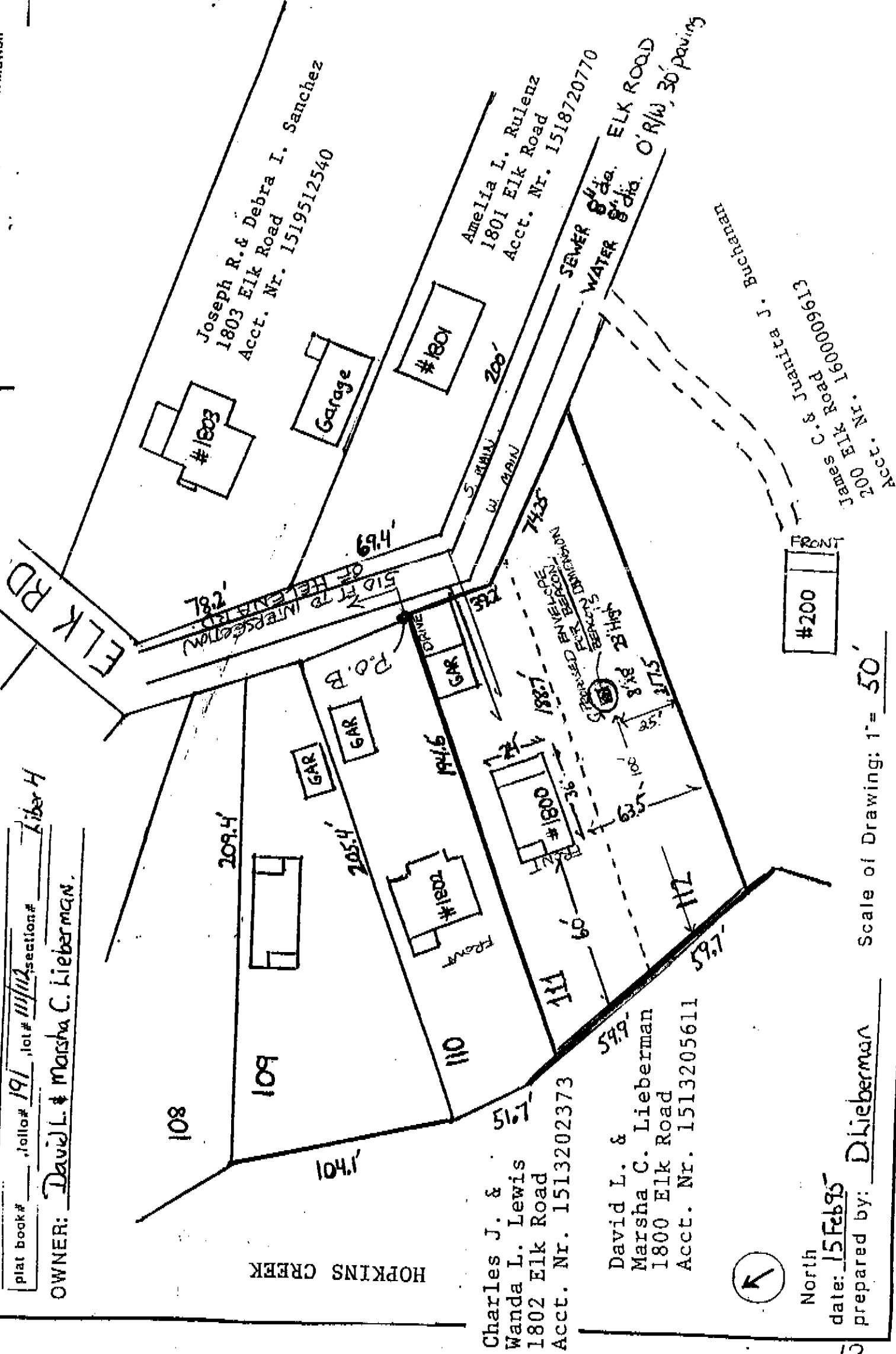
PROPERTY ADDRESS: 1800 Elk Road

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name:

plat book # 191, lot # 1111A, section # 1, Liber H

OWNER: David L. & Marsha C. Lieberman



Charles J. & Wanda L. Lewis
1802 Elk Road
Acct. Nr. 1513202373

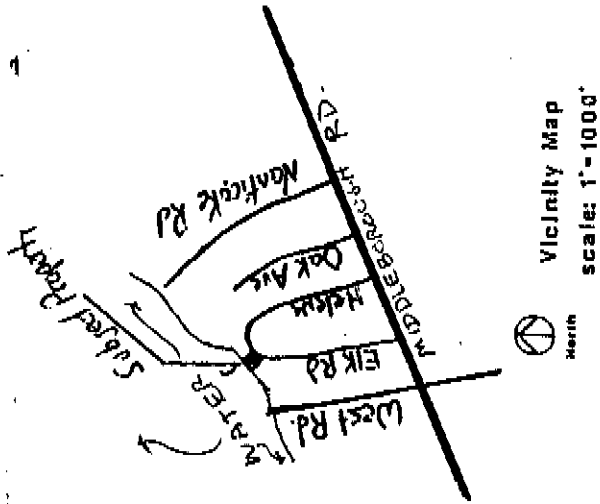
David L. & Marsha C. Lieberman
1800 Elk Road
Acct. Nr. 1513205611

North

date: 15 Feb 95

prepared by: D. Lieberman

Scale of Drawing: 1" = 50'



LOCATION INFORMATION

Election District: 15
Councilmanic District: 5
1"-200' scale map#: NE 21
Zoning: D.R. 5.5
Lot size: .45 acreage
Square foot: 19,320

SEWER: ☒
WATER: ☒
Chesapeake Bay Critical Area: ☒
Prior Zoning Hearings: None

Zoning Office USE ONLY

reviewed by: [signature] ITEM #: 319 CASE#:

95-324-SPH4

Ref #1

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - W/S Elk Road, 510' W of Helena Road (1800 Elk Road) 15th Election District 5th Councilmanic District

* BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 95-324-SPHA

David L. Lieberman, III, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 1800 Elk Road, located in the Middleborough community of Essex. The Petitions were filed by the owners of the property, David L. Lieberman, III, and his wife, Marsha C. Lieberman, seeking a most unusual relief. Pursuant to the Petition for Special Hearing, the Petitioners seek approval that a retired Coast Guard beacon is not an accessory structure, or in the alternative, to approve that same, as an accessory structure, can be erected on an unimproved lot, subject to the Petition for Variance request. Pursuant to the Petition for Variance, the Petitioners seek relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 23 feet in lieu of the maximum permitted 15 feet for said retired Coast Guard Beacon. The subject property and relief sought are more particularly described on the site plan submitted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were the owners of the property, David L. Lieberman, III, and his wife, Marsha C. Lieberman. Also appearing in support of the Petition were neighboring property owners, namely Dustin Schwinn, Jr., and Doreene L. Schwinn, who

reside at 1805 Elk Road. There were no Protestants or other interested parties present at the hearing.

Testimony and evidence offered revealed that the subject property is a waterfront parcel of land consisting of two lots, identified as Lots 111 and 112 of Middleborough Land Corporation. The two lots combined are comprised of 19,320 sq.ft., zoned D.R. 5.5., and are located within the Chesapeake Bay Critical Areas with frontage on Hopkins Creek. The lots were acquired as one parcel by the Petitioners and have been used by the Liebermans as a single residential lot. As the site plan shows, Lot 111 is approximately 190 feet deep and 60 feet wide. That lot contains the Petitioners' dwelling, a garage and a driveway. Lot 112 is the same width, but is slightly longer in depth, and is unimproved.

Further testimony revealed that Mr. Lieberman is a career member of the Merchant Marine. Just as some collect stamps, coins, or trading cards, Mr. Lieberman is a collector of nautical/navigational items of historic significance. During the course of his duties as a Merchant Marine, he apparently came upon what he deemed to be a historical Coast Guard beacon which was then located on the Connecticut River. The beacon apparently has been dutifully performing its necessary navigational services since World War I. When he inquired with the Coast Guard as to the beacon's future, he was advised that it was to be replaced with a more modern beacon. Thus, Mr. Lieberman acquired the beacon and has transported it to Baltimore. Pursuant to the special hearing relief sought, Mr. Lieberman proposes to erect same on his property. Needless to say, it will be one large conversation piece.

Seeking Zoning approval of the erection of this beacon on Lot 112, the Petitioners approached this Zoning Commissioner under alternate

theories. One requests that the beacon be considered as an accessory structure, and should be permitted on that basis. For reasons as follows, I shall grant relief under that theory.

Section 101 of the B.C.Z.R. defines an accessory use or structure as "A use or structure which, a) is customarily incidental and subordinate and serves a principal structure; b) is subordinate in area, extent, or purpose to the principal use or structure; c) is located on the same lot as the principal use or structure served; and d) contributes to the comfort, convenience or necessity of occupant's business or industry in the principal use or structure served..."

Most often, accessory structures are sheds, garages, pools, and other similar structures or uses which serve the occupant's or user's of the lot. Clearly, in this case, the subject parcel is residential in character. Although the beacon is neither a garage, shed, swimming pool, or other such similar use, arguably it does contribute to the comfort, convenience or necessity of the occupants. As noted above, this is a waterfront property and as such, any improvement to the property is subject to compliance with Critical Areas legislation. Furthermore, the characteristics of such property are to be distinguished from properties not located on the water. Although the beacon might be somewhat out of place in Towson or Catonsville, the structure does not seem inappropriate in this locale. Thus, at this particular location, and for the use intended (not for active navigational purposes, but as a collectible item) I find that the beacon does in fact, contribute to the comfort, convenience or necessity of the occupants of the property. Moreover, it is clearly subordinate in area, extent or purpose from the residential development on the site. Lastly, as noted in their comments dated January 27, 1995, the

Department of Environmental Protection and Resource Management (DEPRM) has reviewed the request before me and has determined that the Petitioners' proposal meets the requirements of the Critical Areas legislation and thus, should be approved.

The biggest dilemma the Petitioners face under this theory is the requirement within the definition that the accessory structure be located on the same lot as the principal use. As shown on the site plan, the principal use of this double lot, the residence, is located on Lot 111, whereas Lot 112, which is the proposed location for the beacon, is vacant.

This requirement is not necessarily a bar to the relief granted. In the application of James R. Myrick, et al, in Case No. 93-221-A, this Zoning Commissioner and Board of Appeals, allowed an accessory structure (shed) on a lot with no principal structure.

More importantly, in the instant case, it is clear that Lots 111 and 112 do not have separate identities and should be considered as one single parcel. The testimony from the Petitioners was that both lots were acquired at the same time under one deed of purchase. Moreover, Lot 112 has been used in conjunction with Lot 111 as a side yard thereto.

For these reasons, it is appropriate to hold that the beacon is, indeed, a proper accessory structure to the principal dwelling on this waterfront property. Thus, the alternative relief sought within the Petition for Special Hearing shall be granted, consistent with the findings stated herein. Moreover, I shall deny that portion of the Petition for Special Hearing in which the Petitioner seeks a finding that the retired Coast Guard beacon is not an accessory structure.

In that the beacon has been found to be an accessory structure, attention is now turned to the relief sought within the Petition for Vari-

ance. As the site plan shows, the beacon will be located in the rear yard of the combined lots. For the purpose of establishing the front or rear yards of waterfront property, this Zoning Commissioner has long held in other cases that the water side of a property is the front yard. The variance sought in this instance is from Section 400.3 of the B.C.Z.R. to allow an accessory structure height of 23 feet in lieu of the maximum permitted 15 feet. In this regard, the Petitioners submitted a number of photographs and offered testimony as to the proposed location for the beacon. As shown in the photographs, the beacon will be situated in the vicinity of several tall pine trees. The location for the beacon's installation and the landscaping and existing vegetation around same will buffer this structure. It is clear that same will not be detrimental to the surrounding locale. Moreover, the Petitioners testified that the beacon will not be a working structure in that same will not be regularly lighted. Again, it is to be emphasized that the beacon is being erected for the purpose of preserving same as a historic structure and not to aid navigation. To require the beacon to be reduced in height to meet the maximum height restrictions, would be impractical and illogical. It would require the dismantling of the beacon which would adversely effect its historic value. Clearly, the height variance in this instance should be granted.

Furthermore, in the opinion of this Zoning Commissioner, the relief requested meets the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements set forth in Section 500.14 of the B.C.Z.R. As noted earlier in this opinion, the Director of the Department of Environmental Protection and Resource Management has recommended approval of this request, pursuant to their comments

dated January 27, 1995 and supplemental comments of April 5, 1995. There is no evidence in the record that the relief requested would adversely affect the health, safety, or general welfare of the public.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the alternative relief in the Petition for Special Hearing and the relief requested in the Petition for Variance shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of June, 1995 that the alternative relief sought within the Petition for Special Hearing to approve that a retired Coast Guard beacon is an accessory structure, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 23 feet in lieu of the required 15 feet for a retired Coast Guard beacon, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking approval that a retired Coast Guard beacon is not an accessory structure be and is hereby DENIED.

LES:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

June 6, 1995

(410) 887-4386

Mr. & Mrs. David L. Lieberman, III
1800 Elk Road
Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
W/S Elk Road, 510' W of Helena Road
(1800 Elk Road)
15th Election District - 5th Councilmanic District
David L. Lieberman, III, et ux - Petitioners
Case No. 95-324-SPHA

Dear Mr. & Mrs. Lieberman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The alternative relief sought within the Petition for Special Hearing and the Petition for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM: People's Counsel

File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1800 ELK RD which is presently zoned DR 55

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve A RETIRED COAST GUARD BEACON ON A LOT AS NOT BEING AN ACCESSORY STRUCTURE OR IN THE ALTERNATIVE TO ALLOW AN ACCESSORY STRUCTURE ON AN UNIMPROVED LOT WITH THE ACCOMPANYING ZONING VARIANCE.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase Number
Type of Petition
Signature
Address
City
State
Zip Code
Attorney for Petitioner
Type of Petition
Signature
Address
City
State
Zip Code
Name, address and phone number of representative to be contacted

When do solemnly declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition
Last Name
First Name
Middle Name
Address
City
State
Zip Code
Name, address and phone number of representative to be contacted

ESTIMATED LENGTH OF HEARING
The following shall be held on the following date
All interested parties shall be notified by mail at least 10 days prior to the hearing
RECEIVED BY
DATE

ORDER RECEIVED FOR FILING
Date
By

ORDER RECEIVED FOR FILING
Date
By

ORDER RECEIVED FOR FILING
Date
By

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: March 30, 1995

SUBJECT: 1800 Elk Road

INFORMATION:

Item Number: 319

Petitioner: Lieberman Property

Property Size:

Zoning: DR-5.5

Requested Action: Special Hearing

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicants request a Special Hearing to determine if a retired Coast Guard beacon should be allowed as an accessory structure on an unimproved lot.

Based upon review of the information provided and photographs contained in the file, staff believes the beacon would complement this waterfront property. However, conditions should be placed in the Order to ensure that the beacon's functioning equipment, if still working, be appropriately restricted.

Prepared by: Jeffrey M. Day

Division Chief: Carol L. Kerns

PK/JL

ITEM319/PZONE/ZAC1

Pg. 1

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

April 3, 1995

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #319 - Lieberman Property
1800 Elk Road
Zoning Advisory Committee Meeting of March 27, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

The proposed structure and location shown on the site plan accompanying the zoning variance are in compliance with Chesapeake Bay Critical Area Regulations.

JLP:PF:sp

c: David L. Lieberman III

LIEBERM/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 3, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for April 3, 1995
Items 314, 315, 316, 317, 318, 319, and 320

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:aw

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 03/22/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAR. 27, 1995

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be collected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 314, 315, 316, 317, 318, 319 AND 320.

RECEIVED
MAR 24 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERHAUD
Fire Marshal Office, PHONE 887-4681, MS-110CF

cc: File

Printed on Recycled Paper



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 319 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2256 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Department of Environmental Protection
and Resource Management



401 Bosley Avenue
Towson, MD 21204

January 27, 1995

(410) 887-3733

Mr. David Lieberman III
1800 Elk Road
Baltimore, Maryland 21221

Re: 1800 Elk Road
Preliminary Assessment for beacon light

Dear Mr. Lieberman:

A preliminary assessment has been completed by Environmental Impact Review to determine the extent of environmental constraints on the above referenced property. The property is located in a Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA) and is therefore subject to the following developmental constraints and regulations.

Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.

Finding: The proposed location for the beacon light is greater than 100 feet from the bulkhead adjacent to Hopkins Creek.

Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Finding: Current impervious surfaces on this lot equal approximately 10.9%.

Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15%" <COMAR 14.15.02.04 C.(5)(e)>.

Finding: 15% forest cover is currently existing on this lot.

In summary, you met all requirements of CBCA regulations, thus this Department grants approval to erect the beacon light on your property.

Additional comments concerning setback and height restrictions can be solicited from Baltimore County Zoning Administration at 887-3391. If you have any questions regarding these findings, please call me at 887-3960.

Sincerely,

Keith Kelley
Keith Kelley, Natural Resource Specialist
Environmental Impact Review

Printed with Soybean Ink
on Recycled Paper
ELR/DEPRM/MQCBCA

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management



(410) 887-3353

December 22, 1994

David L. Lieberman, III
Master
U.S. Merchant Marine
1800 Elk Road
Baltimore, MD 21221

RE: Zoning Verification
Retired Coast Guard Beacon

Dear Mr. Lieberman:

Enclosed for your reference please find a copy of Section 400 of the Baltimore County Zoning Regulations (BCZR).

It is this office's opinion that the object described in your letter (retired Coast Guard beacon), if placed permanently on your property, would fall into the category of a residential accessory structure. This decision was based on two assumptions: (1) it will be used for individual purposes on a residential lot and (2) it will not function as a navigation beacon.

As you can see from the aforementioned regulations, the structure would need to have several variances granted prior to the installation on your property. This includes, but is not limited to: (1) more than 15 feet in height and (2) in the front or side yard.

You should also contact the Department of Permits and Licenses and the Department of Environmental Protection and Resource Management (DEPRM) to determine proximity procedures and Chesapeake Bay Critical Area requirements.

I was unsure whether the lamp was to be lighted and made the assumption it would not be. If this was an inaccurate assumption, please contact me regarding issues that this might create.

Printed with Soybean Ink
on Recycled Paper

David L. Lieberman, III
December 22, 1994
Page 2

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 887-3391 (FAX - 887-5708).

Very truly yours,

Catherine A. Milton
Catherine A. Milton
Planner I

CAM:scj

Enclosure

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
1800 Elk Road, W/S Elk Road, 510' W of
Helena Road, 15th Election District,
5th Councilmanic
David L. and Marsha C. Lieberman III
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 95-324-SPHA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of April, 1995, a copy of the foregoing Entry of Appearance was mailed to David L. and Marsha C. Lieberman III, 1800 Elk Road, Baltimore, MD 21221, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

RECEIVED
APR 11 1995
ZADM

Director, ZADM
111 West Chesapeake Avenue
Towson, MD 21204

Dear Sir,

I respectfully request permission to erect a former U.S Coast Guard Aid to Navigation on my property located at 1800 Elk Road, in the Middleborough section of Baltimore County.

The beacon was recently retired from service after 50 years of guiding commercial traffic on the Connecticut River. The beacon structure is part of Coast Guard and maritime history that should be preserved. To that end, I intend to erect the beacon on my property.

The tower, when assembled, will stand 20 feet above ground. The lattice structure is six foot square at the base and tapers to a point at the top. The structure will be nestled amongst hemlock and fir trees on the west side of the property, just as it was along the shore of the Connecticut River. The site is a minimum of 15 feet from any property line, and should not adversely affect the quality of life of any nearby resident. A reproduced photograph of the beacon structure is enclosed for your study, as well as a diagram of the property. I request the option of shifting the site of the beacon in the direction of the river in the event I encounter unforeseen impediments. This distance is not expected to exceed 75 feet, parallel to the fence line.

My address is shown below. Thanking you in advance for your consideration.

1800 Elk Road
Baltimore, MD 21221
1-410-780-0159 (H)
1-908-938-4979 (W)

Sincerely,
David L. Lieberman III
David L. Lieberman III
Master
U.S. Merchant Marine

RECEIVED
DEC 12 1994
ZADM

Zoning, ZADM
111 West Chesapeake Avenue
Towson, MD 21204

Dear Sir,

On April 20, 1995, I appeared before the Zoning Commissioner with Case # 319, a request to erect a retired U.S Coast Guard Aid to Navigation on my property at 1800 Elk Road, Baltimore County. During the hearing, I was granted verbal permission to erect the structure. It was stated that I would receive a written ruling within 7-10 days, and a 30 day appeal process would follow. Barring an appeal from a neighbor, construction would occur on or about 1 June 1995. This time period has expired, and I remain without a written decree.

I respectfully request documentation granting permission to erect the USCG beacon. Several telephone calls to your office over the past 4 weeks have met with negative results. I am anxious to erect this structure. Your assistance with this matter is greatly appreciated.

Respectfully,
David L. Lieberman III
David L. Lieberman III

RECEIVED
JUN 2 1995
ZADM

PLEASE PRINT CLEARLY

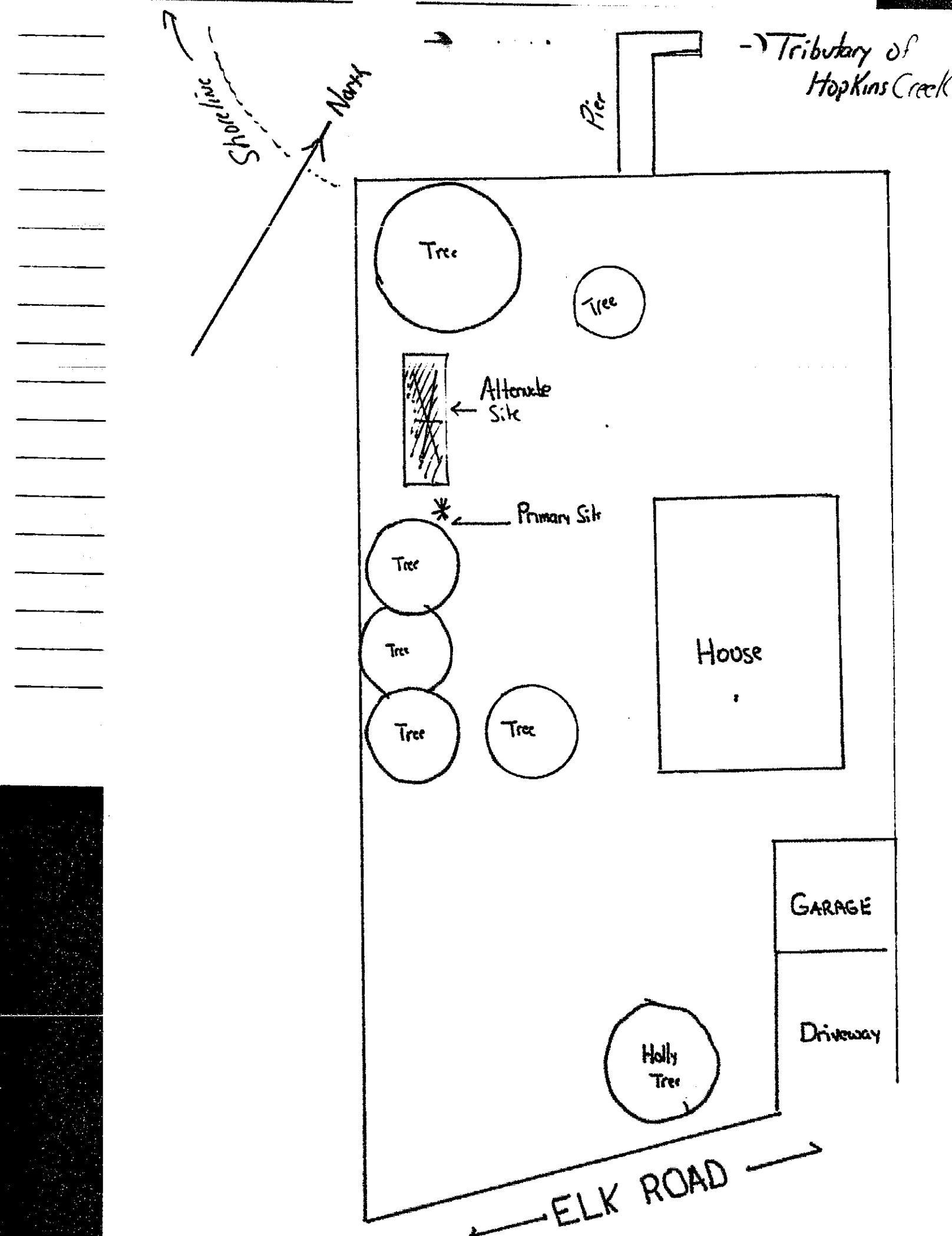
PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

David L. Lieberman III
DUSTIN SCHWINN JR
Marsha Lieberman
Doreen L. Schwinn

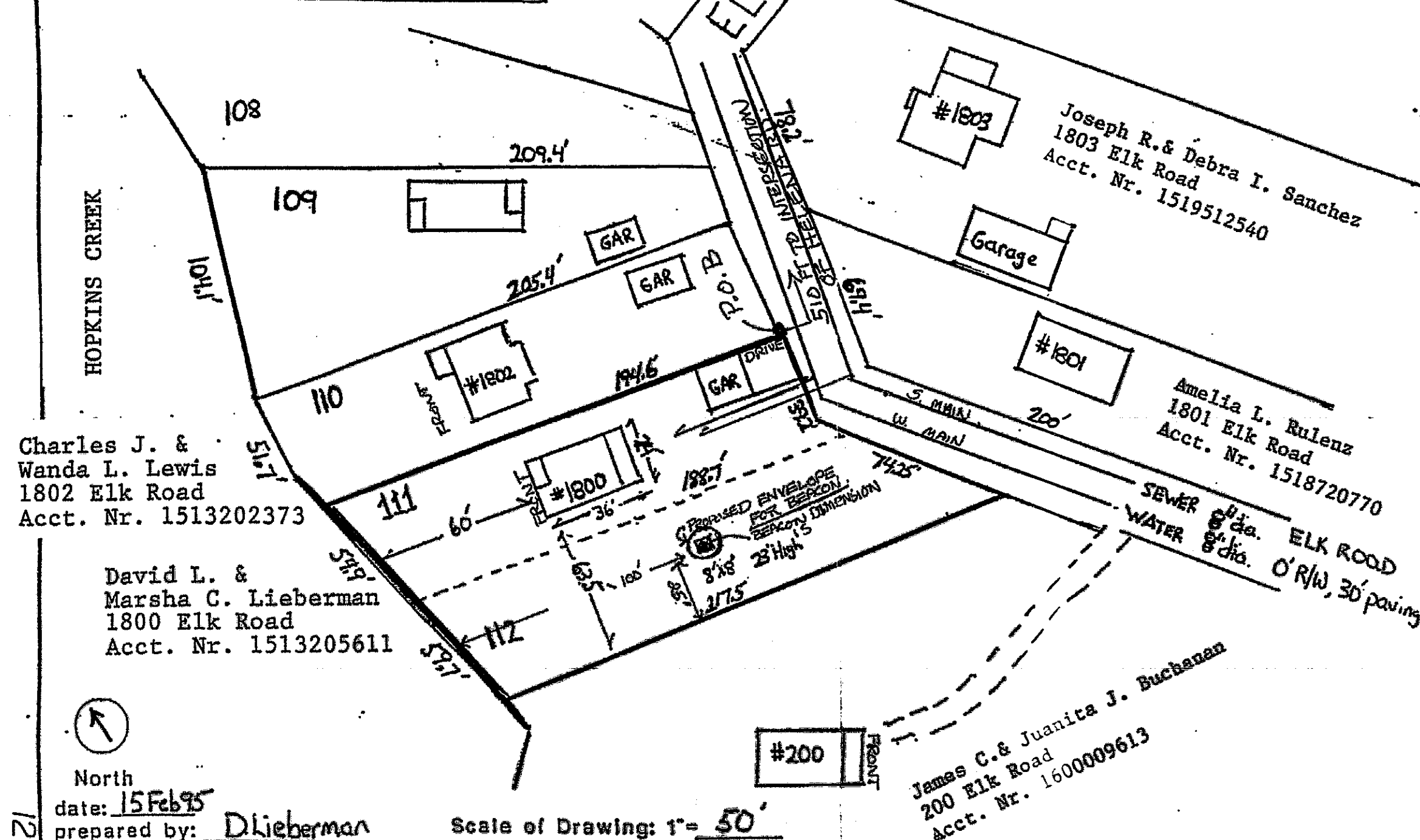
1800 ELK RD BAL MD 21221
1805 ELK RD BAL MD 21221
1800 Elk Rd Bal MD 21221
1805 ELK RD Bal MD 21221



Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 1800 Elk Road see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: 191, lots 111/112 section 4
plat book# 191 lot# 111/112 section# 4
OWNER: David L. & Marsha C. Lieberman



LOCATION INFORMATION
Election District: 15
Councilmanic District: 5
1"=200' scale map#: NE 21
Zoning: D.R. 55
Lot size: .45 acreage
square feet: 19,320
Sewer: ☒ ☐
Water: ☒ ☐
Chesapeake Bay Critical Area: ☒ ☐
Prior Zoning Hearings: None
Zoning Office USE ONLY!
reviewed by: 13191 ITEM #: CASE#:

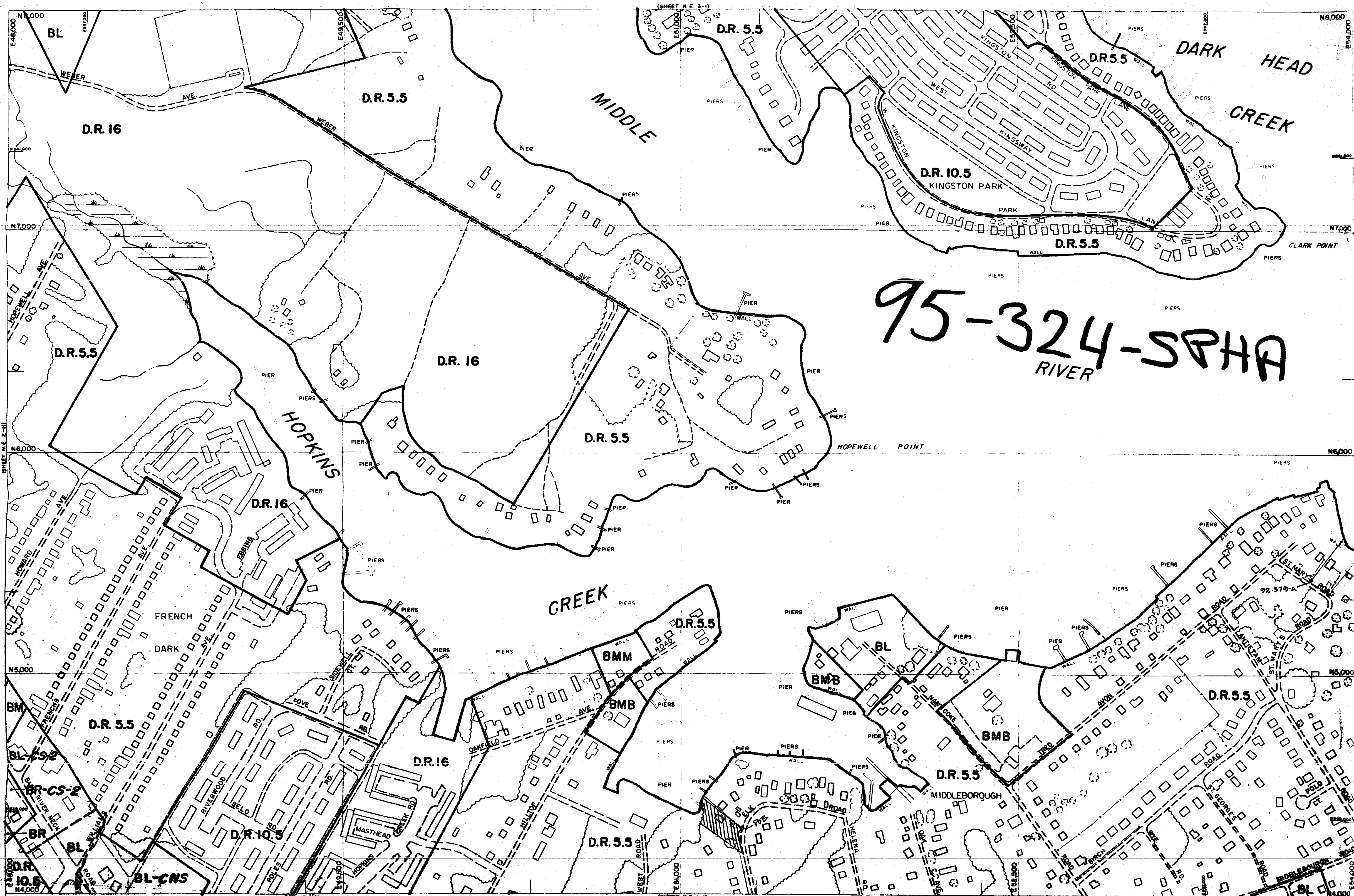


95-324-SPHA

Petitioner's Exhibits
2B-2H
95-324-SPHA
1 photograph

95-324-SPHA

Petitioner #1



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

William A. Howard
Chairman, County Council

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
MIDDLE RIVER

SHEET
2-1

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

319



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PRODUCTION
Controlled in group

SCALE
1" = 200' ±

LOCATION

SHEET

DATE
OF
PHOTOGRAPHY
JANUARY
1986

MIDDLE RIVER

N. E.
2-1

95-324-S9HA